

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH E. SMITH, SR.,

Plaintiff

v.

EUGENE BERDANIER, et al.,

Defendants

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CIVIL NO. 3:CV-05-1760

(Judge Kosik)

ORDER

Background

Kenneth E. Smith, Sr., filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 30, 2005. At the time he was confined at the Schuylkill County Prison, Pennsylvania. He has since been released from prison. Named as defendants in this action are various officials and employees at the prison, as well as a county judge, a sheriff, an attorney and three unnamed Schuylkill County Commissioners. On December 21, 2005, an Order was issued directing Smith to file an amended complaint in this action within fifteen (15) days. (Doc. 12.) He was warned that the failure to do so could result in the dismissal of this action. The relevant time period has passed and Smith has failed to file an amended complaint in this matter. In fact, other than notifying the court of his release from prison, there has been no contact from Smith since he filed this action. It may very well be that Smith has now lost interest in pursuing this matter. As such, this action will be dismissed for both failure to prosecute and failure to comply with a court order in accordance with Fed. R. Civ. P. 41(b), and the case will be closed.

ACCORDINGLY, this 14th day of **FEBRUARY, 2006**, it is hereby **ORDERED THAT**:

1. This action is dismissed with prejudice for failure to prosecute and failure to comply with a court order pursuant to Fed. R. Civ. P. 41(b).
2. The Clerk of Court is directed to close this case.

s/Edwin M. Kosik

United States District Judge

EMK:lq